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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 7th February, 1959.

Issue No.	No. and date	Issued by	Subject
11	G.S.R. 135, dated 2nd February, 1959.	Ministry of Food and Agriculture.	The Punjab Roller Mills (Regulation of use of Wheat) Order, 1959.
12	G.S.R. 136, dated 23rd January, 1959.	Ministry of Finance	The President making rule that all loan agreements, promissory notes and other documents etc., shall be executed and authenticated on behalf of the President by the Ambassador of India in the United States of America or by the Minister (Economic) in the Indian Embassy.
	G.S.R. 137, dated 23rd January, 1959.	Do.	Instruments of Ratification of five Loan Agreements between the President of the Republic of India and the Development Loan Fund.
	G.S.R. 138, dated 23rd January, 1959.	Do.	Shri A. K. Roy, Secretary, Ministry of Finance (Dept. of Economic Affairs) authenticates in the name of the President ratification of the instruments specified therein.
13	G.S.R. 139, dated 3rd February, 1959.	Ministry of Home Affairs.	The Delhi Rent Control Rules, 1959.
14	G.S.R. 167, dated 4th February, 1959.	Ministry of Food and Agriculture.	The Rice and Paddy (Mysore) Price Control Order, 1959.
	G.S.R. 168, dated 4th February, 1959.	Do.	Amendment in the Rice and Paddy (Andhra Pradesh) Price Control Order, 1959.

Issue No.	No. and date	Issued by	Subject
15	G.S.R. 169, dated 7th February, 1959.	Ministry of Finance	Amendment in Notification No. 296-Customs, dated 6th December, 1958.
	G.S.R. 170, dated 7th February, 1959.	Do.	Amendment in Notification No. 296-Customs, dated 6th December, 1958.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (i)

General Statutory Rules (including orders, bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 7th February 1959

G S. R. 176.—In pursuance of the provisions of sub-rule (3) of rule 140 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, and in continuation of the Commission's notification No. 82/254/57 dated the 17th February, 1958 published in the extraordinary Issue of the Gazette of India, Part II, Section 3(i) dated the 17th February, 1958, the Election Commission hereby publishes the Order of the High Court of Judicature at Madras passed on the 17th December, 1958, on the appeal filed by Shri S. Radhakrishnan against the Order dated the 31st January, 1958 of the Election Tribunal, Chingleput, in the Election Petition No. 254 of 1957.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Wednesday the seventeenth day of December, One thousand nine hundred and fifty eight.

(26th Aghrahayana of Saka, 1880)

PRESENT:

The Honourable Mr. P. V. Rajamannar, *Chief Justice.*

AND

The Honourable Mr. Justice Ganapatia Pillai.

APPEAL AGAINST ORDER NO. 177 OF 1958.

S. Radhakrishnan—*Appellant (Petitioner).*

Versus

1. T. D. Muthukumaraswami Naidu.
2. N. D. Govindaswami Kachirayar.
3. R. Srinivasachariar.

}

Respondents.

Returning Officer for Cuddalore Parliamentary Constituency

Appeal against the order of the Election Tribunal, Chingleput dated 31st January, 1958, and made in O.P. No. 9 of 1957.

This appeal coming on for hearing on Thursday, 11th December, 1958 Monday 15th December, 1958 and having stood over for consideration till this day, the Court delivered the following.

JUDGMENT

(Judgment of the Court delivered by the Honourable the Chief Justice).

This is an appeal against the order of the learned District and Sessions Judge, Chingleput who was appointed Election Tribunal to try and dispose of an election petition filed by S. Radhakrishnan, the appellant before us, in respect of an election for a seat in the Lok Sabha from the Cuddalore Parliamentary Constituency, which took place on the 6th March, 1957. The appellant, S. Radhakrishnan, the first respondent, T. D. Muthukumaraswami Naidu, and the second respondent, N. D. Govindasami Kachirayar, were the three candidates contesting for the seat. The Returning Officer declared the first respondent to be the successful candidate. According to him, the votes polled by the three candidates were as follows:—

S. Radhakrishnan	.. 98,546
Muthukumaraswami Naidu	.. 98,605
Govindaswami Kachirayar	.. 34,549

There were 158 invalid votes. The appellant filed the election Petition challenging the election of the first respondent on various grounds. He prayed that the election of the first respondent be declared void on the several grounds he alleged in his petition. He further prayed that a re-count be ordered after hearing him and that he may be declared elected as a result of the re-counting if as a result of the re-counting he became entitled thereto. At the time of the trial of the Petition learned counsel for the appellant Petitioner made an endorsement on the main petition that he was not pressing the grounds alleged by him on which he prayed that the election of the first respondent may be set aside and that he confined himself to the relief of recount and scrutiny and for a declaration in his favour on foot of such scrutiny and recounting. The learned Election Tribunal therefore considered the question whether the appellant was entitled to a recount and scrutiny. Though the first respondent to whom we shall refer hereafter as the respondent, opposed the application for recount, the Tribunal by its order dated 26th November, 1957 allowed the Petition in so far as it prayed for a recount. He found that it was necessary to have a recount of the ballot papers other than the 158 rejected ballot papers. He directed that the recount may be done in his presence with such help from the Revenue Officials as may be available. The procedure to do adopted for recount and scrutiny was laid down in great detail and the recounting went on from 7th January, 1958 till 10th January, 1958. As the learned Tribunal says, though it was a very arduous process, the recounting and scrutiny were done so carefully and thoroughly that both sides expressed that they were satisfied with the way in which it was done. Votes of the appellant and the first respondent alone were counted as both the parties stated that it was unnecessary to recount the votes of the second respondent. As a result of the recount the Tribunal held that the total number of votes polled for the first respondent was 98,592 while the votes in favour of the appellant were 98,576. The main objection to the learned Tribunal's finding regarding the recount was that certain ballot papers which were in favour of Muthukumaraswami Naidu should have been rejected under Rule 57(2) (e) of the Electoral Rules. That provision is as follows:—

"57(2) The Returning Officer shall reject a ballot paper:—

(a) If it does not bear any mark which it should have borne under the provisions of sub-rule (2) of Rule 27".

This ground of rejection is not intelligible without reference to Rule 27(2) which runs thus:

"Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the Election Commission may direct".

Rule 57(2) contains a proviso which is in the following terms:

"Provided that where the Election Commission on being satisfied that any such defect as is mentioned in Clause (d) or Clause (e) has, in respect of any of the ballot papers at a polling station, been caused by any mistake or failure on the part of the Presiding Officer or Polling Officer, has directed that the defect should be overlooked, a ballot paper shall not be rejected merely on the ground of such defect".

The learned Tribunal found the defect mentioned in Clause (e) of Rule 57(2) in a number of ballot papers polled for the appellant and the respondent. Clause (e) speaks of the absence of the mark which the ballot papers should have borne under the provisions of Rule 27(2). Now it is obvious that this defect can occur in the following contingencies, namely:—

- (1) Where there is no mark whatever;
- (2) When there is a distinguishing mark prescribed by the Election Commission under Rule 27(2) whilst the ballot paper contains other marks;
- (3) When there is a wrong distinguishing mark of the polling station; and
- (4) the distinguishing mark might show signs of interpolation or correction.

The learned Tribunal gave a classified list of ballot papers in respect of which there was a defect mentioned in Rule 57(2)(e). The following is that list:

	Petitioner	Respondent
1. Ballot papers without the distinguishing marks of the polling station	249	198
2. Ballot papers bearing the distinguishing marks of two polling stations.	36	11
3. Ballot papers bearing wrong distinguishing marks of polling stations.	43	nil
4. Correction of the number in the rubber seal of the ballot papers.	13	nil

All the above ballot papers had been counted by the Returning Officer as valid. The reason why the Returning Officer presumably did not reject these papers is to be found in the Circular issued by the Election Commissioner to which we shall briefly refer. On 20th February, 1957 the Election Commission issued what is described as a statutory order, which in so far as it is material, is as follows:—

"Under the proviso to the above mentioned Clause (e) of sub-rule (2) of Rule 57

The Election Commission hereby directs that in every case where the returning Officer is satisfied that the distinguishing mark has not been stamped on a ballot paper in accordance with the commission's directions on account of any mistake or failure on the part of the Presiding Officer or Polling Officer, but the ballot paper is one which was authorised for use at the particular polling station was in fact issued to an elector at that polling station during the poll, the said defect, shall be overlooked and no ballot paper shall be rejected by a Returning Officer merely on the ground of such defect.

The Commission further directs that the returning Officer of every constituency shall report to the Commission the total number of ballot papers which were found not to bear the appropriate distinguishing mark but which were accepted as valid and counted on the authority of the present directions of the Commission".

On 28th February, 1957 the Election Commission issued another direction in ratification of the directions given earlier. By it every case where a ballot paper did not bear the distinguishing mark was not rejected and the defect was overlooked was to be reported to the Commission for its formal approval. The counting of the votes was however not to be suspended till receipt of the order from the Commission. On 13th March, 1957 there was a further direction by the Election Commission that is somewhat important, namely, that without holding up the declaration of the result pending reference by the Returning Officer to the Election Commission, it would be safer to have the formal order of the Election Commission in respect of such individual constituency in this regard, that is, in the curing of the defect, set out in Rule 57(2)(e). Of course these formal orders by the Commission would be *ex post facto*. It is true that it was made clear that the Election Commission would exercise such power and pass formal orders only on two essential conditions being satisfied, namely, (1) that the ballot papers concerned were authorised for use at the particular polling station and (2) that they were in fact issued to the electors at that Polling Station during the poll. As regards the present elections, the Returning Officer did report to the Commission on 12th March, 1957 that 1053 ballot papers did not contain the distinguishing mark but the defect was overlooked and the ballot papers were counted as valid. The Returning Officer requested that his action may be

approved. He followed this with a communication stating that all the ballot papers concerned were authorised for use at the particular polling station and in fact issued to the electors at the concerned polling stations during the poll. On 24th March, 1957, the Election Commission sent the following communication to the Returning Officer:

"I am directed to refer to your letters dated 12th and 16th March, 1957, and to state that the Commission is satisfied that the absence of the appropriate distinguishing mark on the ballot papers mentioned therein used at the election in the Cuddalore parliamentary constituency and referred to in your letter was caused by the bona fide mistake or failure on the part of the concerned Presiding Officer or Polling Officer. The Commission accordingly approves your action in overlooking the said defect in accordance with the directions of the Election Commission under the Proviso to Sub-Rule (2) of Rule 57 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, and in not rejecting any such ballot paper merely on the ground of such defect".

It was contended on behalf of the appellant before the Election Tribunal that the Election Commission had no power to express its satisfaction under the proviso *ex post facto*, and that the Election Commission could not delegate its function to the Returning Officer. The learned Tribunal did not accept this contention of the appellant. He was of the opinion that the Election Commission did not express its satisfaction in advance nor had delegated any of its powers to the Returning Officer nor had substituted the satisfaction of the Returning Officer in the place of its satisfaction. In his view the Commission had reserved to itself the right to approve the ballot papers in question. The Tribunal held that the Election Commission was well within its rights in asking for a report from the Returning Officer whether the ballot papers were authorised to be issued to the polling stations in question and thus satisfy itself about it on the basis of the report of the Returning Officer. Mr. Panchapakesa Ayyar once more pressed before us the above contention which was rejected by the Election Tribunal. We see considerable force in this contention. It is obvious that the proviso contemplates the satisfaction of the Election Commission as the basis of the curing of the defect. The language does not admit of any other construction. According to the proviso, it is only when the Election Commission felt satisfied that the defect had been caused by mistake or failure on the part of the polling office or presiding Officer that the defect should be overlooked. It may be, that before coming to a conclusion on the matter, the Election Commission might call for a report from the Returning Officer or the presiding Officer or the polling officer or from all of them. Ordinarily the Election Commission might see no reason not to accept their reports. But in a proper case there may be circumstances which would compel the Election Commission to reject these reports and to accept the report of other responsible Officers, say of the Police Department. The advance orders issued by the Election Commission that in every case where the Returning Officer is satisfied that the distinguishing mark has not been stamped on the ballot paper on account of any mistake on the part of the presiding Officer or polling Officer, the said defect shall be overlooked and no ballot paper shall be rejected by the Returning Officer merely on the ground of such defect appear to us to be in the nature of an advance approval of the action of the Returning Officer and an expression of the satisfaction of the Commission based merely on the suggestion of the Returning Officer. The fact that the Election Commission further directed the Returning Officer to report to the Commission every case where such defect was overlooked by the Returning Officer does not improve matters because it is obvious that what the Election Commission expected to do was only to give its formal approval to the action of the Returning Officer. Vide Exhibit C-3 and C-4. There is no indication whatever that the Commission might in a proper case disapprove of the action of a Returning Officer, nor as to what should happen if in any case the Election Commission should so disapprove. It must not be overlooked that the submission of the report by the Returning Officer and the formal orders of approval to be issued by the Election Commission would not hold up the declaration of the results. This direction by the Election Commission that the declaration of the result should not be held up pending reference by the Returning Officers to the Election Commission as regards the particular defect conclusively shows that the orders of the Election Commission on the action of the Returning Officer are expected to be only formal and would in no case upset the declaration of the results.

We are clearly of opinion that the power conferred by the proviso cannot be exercised after declaration of the result of the Election. The Election Commission cannot in advance express its satisfaction that the defect was caused by mistake or failure on the part of the presiding Officer or polling officer and therefore cannot

direct that the defect should be overlooked. We can realise that if the counting and scrutiny and returning of the results were to be suspended till the Election Commission expresses its opinion whether the defect should or should not be overlooked, there would be great delay which is not in consonance with the scheme of elections. But that is no reason for practically substituting the satisfaction of the Returning Officer in place of the satisfaction of the Election Commission. The proviso may well be amended so as to give the power to the Returning Officer in proper cases to overlook the defect mentioned in Clause (e) of Rule 57(2). We are unable to agree with the Election Tribunal that the power conferred on the Election Commission by the proviso can be exercised *ex post facto*.

The fact however remains that even in this view the appellant cannot succeed. We have already given above the list of ballot papers which did not bear the distinguishing mark which they should have borne under the provisions of sub-rule (2) of Rule 27. At the time of the argument there was some uncertainty as to the actual distinguishing mark prescribed by the Election Commission under Rule 27(2); but it is clear from the judgment of the Tribunal that the distinguishing mark which was a rubber seal, included the number of the respective polling station. If therefore the number of the polling station is an integral part of the distinguishing mark, a mistake in the number of the polling station would render the ballot paper defective under Rule 57(2)(e). This point is concluded by the ruling of the Supreme Court in Hari Vishnu Vs. Ahmad Isaque¹. There the ballot papers relating to two different polling stations got mixed up. The result, according to the Supreme Court, was that the ballot paper which did not contain the distinguishing mark in respect of a particular polling station was invalid. The Supreme Court there pointed out that if any alteration of the original distinguishing mark is made, and it can be made, it must be made before the commencement of the poll and its approval by the Election Commission subsequent to the polling could not render valid the ballot papers which did not bear the distinguishing marks prescribed. It is a matter of common knowledge that the proviso to Rule 57(2)(e) was introduced as a result of this decision of the Supreme Court; but the principle remains unaffected, namely, that a wrong polling number would render the ballot paper invalid on the ground that it did not bear the distinguishing mark which it should have borne under sub-rule (2) of Rule 27 and that the defect cannot be cured by the approval of the Election Commission subsequent to the counting. It follows that not only ballot papers which did not contain any distinguishing mark as prescribed by Rule 27(2), but also ballot papers which bore distinguishing marks of two polling stations, ballot papers with wrong distinguishing marks, that is to say, wrong number of the polling station, and ballot papers in which the number appears to have been corrected, that is, which had been tampered with—all these ballot papers would be ballot papers having the defect set out in Rule 57(2)(e) and in our view they should all have been rejected and *ex post facto* approval of the Election Commission could not cure the defect from which they suffered. If the number of such ballot papers is deducted from the total number of ballot papers polled by the Petitioner and the first respondent it is common ground that the appellant would lose 341 while the respondent would lose only 309 votes. That would leave the respondent with more votes than the votes obtained by the appellant, in the aggregate. Assuming that our view on the construction of the proviso is wrong, then the position would be that all these ballot papers were validly counted on behalf of the respective candidates. Even then the result would be that the respondent would secure more votes than the appellant. So, in any view, whether these ballot papers are discarded or accepted as valid, the result of the election would not be affected because there would be a greater number of votes polled in favour of the respondent than in favour of the appellant. The Election Tribunal was therefore right in dismissing the petition on its finding that on a result of recounting and scrutiny the first respondent has acquired a majority, and therefore was rightly declared to be the successful candidate. The appeal fails and is dismissed; but there will be no order as to costs. A copy of this judgment will be sent to the Election Commission.

(Sd.) R. RAGHAVENDRA Rao,
Assistant Registrar, App. Side

(TRUE COPY)

(Sd.)

Sub-Assistant Registrar, A. S.

[No. 82/254/57/2303.]

DIN DAYAL, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 5th February 1959

G.S.R. 177.—In pursuance of sub-rule (1), and the first proviso to sub-rule (2), of rule 4 of the Indian Administrative Service (Cadre) Rules, 1954, the Central Government, in consultation with the Government of Bihar, hereby makes the following further amendments in the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955.

2. The amendments hereby made shall be deemed to have come into force on the 4th August, 1958.

AMENDMENTS

In the Schedule to the said Regulations in the entries relating to BIHAR for the figures "11" and "20" against the entries "Secretaries to Government" and "Additional, Joint or Deputy Secretaries to Government", the figures "12" and "19" respectively shall be substituted.

[No. 3/4/59-AIS(II).]

New Delhi, the 7th February 1959

G.S.R. 178.—In pursuance of sub-rule (1) and the first proviso to sub-rule (2) of rule 4 of the Indian Police Service (Cadre) Rules, 1954, the Central Government, in consultation with the Government of West Bengal, hereby makes the following amendment in the Indian Police Service (Fixation of Cadre Strength) Regulations, 1955.

AMENDMENT

In the Schedule to the said Regulations, for the entries relating to "West Bengal" the following entries shall be substituted, namely:—

1. Senior posts under State Government	59
Inspector General of Police	1
Commissioner of Police	1
Dy. Inspectors General of Police	4
Dy. Inspector General of Police, C.I.D. and I. B.	1
Dy. Commissioners of Police	14
Assistant Inspectors General of Police	2
Sp1. Superintendents of Police	5
Superintendents of Police	15
Additional Superintendents of Police	8
Superintendents of Police, Railway	2
Principal, Police Training College	1
Commandant, Eastern Frontier Rifles	1
Commandants, Special Armed Police Battalions	3
Commandant, Industrial Area Reserve Force	1

59

2. Senior posts under Central Government 19

3. Posts to be filled by promotion in accordance with rule 9 of the I.P.S. (Recruitment) Rules, 1954	19
4. Posts to be filled by direct recruitment	59
5. Deputation Reserve @ 15 per cent. of 4 above	9
6. Leave Reserve @ 11 per cent. of 4 above	6
7. Junior posts @ 20·60 per cent. of 4 above	12
8. Training Reserve @ 10·59 per cent. of 4 above	6
 Direct Recruitment Posts	 92
 Promotion Posts	 19
 TOTAL AUTHORISED STRENGTH	 111"

2. The Ministry of Home Affairs Notification No. 5/70/58-AIS(II), dated the 16th January, 1959, published in Part II, Section 3, Sub-Section (i) of the Gazette of India dated the 24th January, 1959, as G.S.R. 78 is hereby cancelled.

[No. 5/70/58-AIS(II).]

S. NARAYANSWAMY, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 31st January 1959

G.S.R. 179.—In exercise of the powers conferred by section 27 of the Foreign Exchange Regulation Act, 1947 (7 of 1947), the Central Government hereby makes the following further amendments in the Foreign Exchange Regulation Rules, 1952, namely :—

In the Second Schedule to the said Rules,—

I. for item A, the following shall be substituted, namely :—

"A. Convertible Account Countries

(i) Austria

Belgian Monetary Area (Belgium, Luxembourg and Belgian Congo).

Canada.

Denmark (including Faroe Islands).

Dutch Monetary Area (The Netherlands and Netherlands West Indies).

French Franc Area (Metropolitan France and the Overseas Empire).

French Somali Coast.

Italian Monetary Area.

Norway.

Panama.

Philippine Islands.

Portuguese Monetary Area (Portugal and Portuguese Empire excluding the Portuguese possessions in India).

Sweden.

Switzerland and Liechtenstein.

The United States of America and any territory under the sovereignty of the U.S.A.

Western Zones of Germany (comprising the Federal Republic of Germany and the British, U.S. and French Sectors of Berlin).

(a) Currency of any country in this sub-group.

(b) Sterling from an 'External Account', as defined under the U.K. Exchange Control Regulations.

(c) Rupees from the account of a bank in any country in the convertible Account group.

(ii) All countries other than those mentioned in sub-group (i) of group A and groups B and C.

} (a) Currency of any country in sub-group (i)"

} (b) Sterling from an 'External Account' as defined under the U.K. Exchange Control Regulations.

} (c) Rupees from the account of a bank in any country in the Convertible Account group.

It. Item D shall be omitted.

[No. 31(1)/59-C.I.E.]

New Delhi, the 5th February 1959

G.S.R. 180.—Notification No. G.S.R. 1136 dated the 19th November, 1958 is hereby cancelled.

[No. F. 21/6/C.I.E./58.]

T. V. BALAKRISHNAN, Under Secy.

(Department of Expenditure)

New Delhi, the 9th February 1959

G.S.R. 181.—In exercise of the powers conferred by the proviso to article 309 and, in relation to persons serving in the Indian Audit and Accounts Department, also by clause (5) of article 148, of the Constitution, the President, after consultation with the Comptroller and Auditor General as regards the persons referred to above, hereby makes the following further amendments in the Civil Service Regulations, namely:—

In the said Regulations, article 200 shall be renumbered as clause (1) thereof and after clause (1) as so re-numbered, the following clause shall be inserted, namely:—

"(2) The leave salary of a Government servant who is permitted to take up employment under a Government or a private employer during leave shall be subject to such restriction as the President may by order prescribe".

[No. F. 7(8)-Estt.IV/59.]

D. D. BHATIA, Dy. Secy

(Department of Revenue)

INCOME TAX

New Delhi, the 5th February 1959

G.S.R. 182.—In exercise of the powers conferred by sub-section (2) of section 58L of the Indian Income-tax Act, 1922 (11 of 1922), the Central Government hereby makes the following further amendments in the Indian Income-tax (Provident Funds Relief) Rules, the same having been previously published as required by sub-section (1) of the said section read with sub-section (4) of section 59 of the said Act, namely:—

(A) In rule 4 of the said rules:—

(a) For clause (a) of sub-rule (3), the following clause shall be substituted, namely:—

"(a) Except for the purpose specified in clause (d) of sub-rule (1), no withdrawal shall exceed (1) the pay of the employee for three months, or, in the case of withdrawal in connection with marriages as specified in clause (c) of the said sub-rule or for the purpose specified in clause (e) of said sub-rule, six months, at the time when the advance is granted, or (2) the total of the accumulation of exempted contributions and exempted interest contained in the balance to the credit of the employee, whichever is less."

(b) In sub-rule (3), after clause (c), the following clause shall be inserted, namely:—

“(d) The withdrawal for the purpose specified in clause (d) of sub-rule (1) shall be permitted upto one-half of the amount standing to the employee's credit or the actual cost of the house and/or site, whichever is less. It shall, however, be subject to the following conditions:—

- (i) that the employee should have completed 25 years of service or is due to retire before another 5 years;
- (ii) that the construction of the house should be commenced within 6 months of the withdrawal and should be completed within one year from the date of commencement of construction. If the advance is taken for repayment of loan previously raised for the purpose, the repayment of the loan should be made within three months of the withdrawal of the advance;
- (iii) that in the case of construction of a house, withdrawal should be permitted only in two or more equal instalments (not exceeding 4), one instalment being permitted only after verification by the company or the trustees about the actual utilisation of the earlier withdrawal;
- (iv) that the advance shall be payable only if the house site and/or house is free from encumbrances. No advance shall be payable for purchasing a share in a joint property or building or house or land whose ownership is divided;
- (v) that if the amount withdrawn exceeds the actual cost, the excess shall be refunded to the trustees forthwith in one lump sum, together with interest at the rate prescribed in rule 6 from the month of such withdrawal by the employee for being credited to the employee's account in the Provident Fund.”

(B) In rule 5 of the said rules, to sub-rule (2), the following proviso shall be added, namely:—

“Provided that the withdrawal in connection with marriages as specified in clause (c) of sub-rule (1) of rule 4 shall be repaid in not more than forty-eight equal monthly instalments.”

[No. 20/F. No. 44/52/54-I.T.]

P. N. DAS GUPTA, Dy. Secy.

CENTRAL EXCISES

New Delhi, the 14th February 1959

G.S.R. 183.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment to the Central Excise Rules, 1944, namely:—

In rule 27 of the said rules, after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(4) If any unmanufactured products lodged in a private bonded store-room are lost or destroyed by unavoidable accident, the Collector may in his discretion remit the duty due thereon:

Provided that notice of such loss or destruction shall be given to the proper officer within forty-eight hours after the discovery of such occurrence.”

[No. 13/59.]

L. S. MARTHANDAM, Under Secy.

CENTRAL EXCISES

New Delhi, the 14th February 1959

G.S.R. 184.—In exercise of the powers conferred by section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India and as applied to the

State of Pondicherry, the Central Government hereby makes the following further amendment to the Central Excise Rules, 1944, namely:—

In Appendix I to the said Rules, in paragraph 1 of Form A.R. 6 (Central Excise Series No. 62A), after the words 'to produce', the following shall be inserted, namely:—

"in I Shift, II Shift, III Shift."

[No. 15/59.]

S. K. BHATTACHARJEE, Dy. Secy.

CUSTOMS

New Delhi, the 14th February 1959

G.S.R. 185.—In exercise of the powers conferred by sub-section (1) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 296-Customs, dated the 6th December, 1958, namely:—

In the Schedule to the said notification, after entry 68, the following entry shall be added, namely:—

"69 Hand Inflators."

[No. 16/F. No. 34/5/58. Cus-IV.]

G.S.R. 186.—In exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following rules the same having been previously published as required under the said sub-section (3), namely:—

THE CUSTOMS DUTIES DRAWBACK (HAND INFLATORS) RULES, 1959

1. Short title.—These rules may be called the Customs Duties Drawback (Hand Inflators) Rules, 1959.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "the Act" means the Sea Customs Act, 1878 (8 of 1878);
- (b) "goods" means inflators operated by hand, of all types including cycle pumps, manufactured in India or the State of Pondicherry and in the manufacture of which imported material has been used;
- (c) "imported materials" means, materials, imported into India or the State of Pondicherry on payment of customs duty.

3. Goods in respect of which drawback may be paid.—Subject to the provisions of the Act and these rules a drawback shall be allowed in respect of the imported materials used in the manufacture of the goods exported from India or the State of Pondicherry, or shipped as stores for use on board a ship proceeding to a foreign port.

4. Rate of drawback.—(1) The rate of drawback admissible under these rules on the shipment of the goods shall be the average customs duty paid on the imported materials used in the manufacture of the goods.

(2) Such rate shall be determined by the Central Government (hereinafter in this sub-rule referred to as the Government) at such intervals as the Government may consider necessary on the basis of information furnished by the manufacturer of the goods and verified by the Government, in respect of the duty paid on imported materials during such period as in the opinion of the Government is relevant for the purpose.

5. Manner of allowing drawback.—Drawback shall be allowed on the shipment of the goods from any port in India or the State of Pondicherry subject to the following conditions, namely:—

- (a) that the shipper shall on the relative shipping bill make a declaration that a claim for drawback under section 43B of the Act is being made; and

(b) that the shipper shall furnish the Customs Collector with a copy of the shipment invoice or any other document giving details of the description, quantity and value of the goods under shipment.

6. Powers of Customs Collector.—For the purpose of these rules, the Customs Collector may require the shipper or the manufacturer of the goods to produce any books of accounts or other documents relating to the proportion and quantity of the imported materials used in the manufacture of the goods and the duty paid thereon, or to furnish any return in respect thereof.

7. Access to manufactory.—The manufacturer of the goods in respect of which a drawback is claimed under these rules shall give access to every part of the manufactory to any officer of the Central Government specially authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority, to enable the officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for drawback.

[No. 17/F. No. 34/5/58. Cus-IV.]

G.S.R. 187.—The following draft of a further amendment in the Customs Duties Drawback (Fixed Rates) Rules, 1958, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th March, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the said Rules, the entries against Serial No. 18 of the First Schedule shall be deleted.

[No. 18/F. No. 34/135/58-Cus. IV.]

G.S.R. 188.—The following draft of a further amendment in the Customs Duties Drawback (Brand Rates) Rules, 1958, which the Central Government proposes to make in exercise of the powers conferred by sub-section (3) of section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, is published as required by the said sub-section (3) of the said section, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th March, 1959.

Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

Draft Amendment

In the said rules, in the First Schedule after item 14 and the entry relating thereto, the following shall be inserted, namely:—

“15. Spectacle Frames and parts thereof.”

[No. 19/F. No. 34/135/58-Cus. IV.]

G.S.R. 189.—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 43B of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry, and in supersession of the draft rules published with the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 86-Customs, dated the 10th March, 1958, is published as required by sub-section (3) of that section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th March, 1959.

Any objection or suggestion which may be received from any person with regard to the said draft before the date so specified will be considered by the Central Government.

DRAFT RULES

1. Short title.—These rules may be called the Customs Duties Drawback (Diamonds) Rules, 1959.

2. Definitions.—In these rules, unless the context otherwise requires,—

- (a) "Act" means the Sea Customs Act, 1878 (8 of 1878);
- (b) "finished diamonds" means diamonds which have been produced by cutting, polishing and otherwise processing rough diamonds in India or the State of Pondicherry;
- (c) "rough diamonds" means uncut and unpolished diamonds, imported on payment of customs duty into India or the State of Pondicherry;
- (d) "wholesale market price" means the cash price in the wholesale market at the time and place of export of finished diamonds, or where a wholesale market for finished diamonds does not exist at such place, the cash price at such time at the place nearest to the place of export where such market exists.

3. Goods in respect of which drawback may be paid.—Subject to the provisions of the Act and these rules, a drawback shall be allowed in respect of rough diamonds which have been converted into finished diamonds and then exported from India or the State of Pondicherry by the importer of such rough diamonds, either in the form of finished diamonds or in the form of finished diamonds set in jewellery.

4. Rate of drawback.—The rate of drawback admissible under these rules on the export of the finished diamonds shall, subject to review at such intervals as the Central Government may deem necessary, be one-ninth of the wholesale market price of such diamonds.

5. Certain conditions for allowing drawback.—No drawback shall be allowed under these rules unless the exporter—

- (a) makes a declaration on the relative shipping bill that a claim for drawback under these rules is being made;
- (b) declares the wholesale market price of the finished diamonds being exported, on the shipping bill;
- (c) furnishes the Customs Collector with a copy of the shipment invoice or any other document giving details of the description, quantity and value of the finished diamonds being exported;
- (d) produces evidence to the satisfaction of the Customs Collector that rough diamonds of a value equal to five-ninths of the wholesale market price of the finished diamonds being exported, have been imported by him on or after the first day of April, 1958, and have not already been previously re-exported by him in the form of finished diamonds since that day; and
- (e) produces, if any such finished diamond weighs one carat or more, evidence to the satisfaction of the Customs Collector that a rough diamond of a size sufficient to yield a finished diamond of such weight has been imported by him on or after the first day of April, 1958 and has not already been re-exported by him in the form of a finished diamond since that day.

6. Powers of Customs Collector.—For the purposes of these rules, the Customs Collector may require the exporter or the manufacturer of finished diamonds to produce any books of account or other documents relating to the quantity and value of the rough diamonds used in the manufacture of the finished diamonds and the duty paid thereon.

7. Access to manufactory.—The manufacturer of the finished diamonds in respect of which a drawback is claimed under these rules shall give access to every part of the manufactory to any officer of the Central Government specially authorised in this behalf by the Chief Customs Officer or the Chief Customs Authority, to enable the officer so authorised to inspect the processes of manufacture and to verify by actual check or otherwise the statements made in support of the claim for drawback.

(Department of Revenue)

GIFT TAX

New Delhi, the 5th February 1959

G.S.R. 190.—In pursuance of clause (xv) of sub-section (1) of Section 5 of the Gift-tax Act, 1958 (18 of 1958), the Central Government hereby directs that the gift tax shall not be charged under the said Act in respect of gifts made by any person to any person in charge of any Bhoodan movement recognised by the following Acts, or the rules, regulations or orders made thereunder, namely:—

1. The Hyderabad Land Revenue Act (No. VIII of 1317F).
2. The Bihar Bhoodan Yagna Act, 1954 (Bihar Act XXII of 1954).
3. The Bombay Tenancy and Agricultural Lands Act, 1948 (Bombay Act No. LXVII of 1948).
4. The Travancore-Cochin Land Assignment Act, 1950 (Act XXXIII of 1950).
5. The Madhya Bharat Bhoodan Yagna Act, 1955 (Act No. 3 of 1955).
6. The Madhya Pradesh Bhoodan Yagna Act, 1953 (No. XV of 1953).
7. The Madras Bhoodan Yagna Act, 1958 (Madras Act No. XV of 1958).
8. The Orissa Bhoodan Yagna Act, 1953 (Orissa Act XVI of 1953).
9. The Punjab Bhoodan Yagna Act, 1955 (Punjab Act No. 45 of 1956).
10. The Rajasthan Bhoodan Yagna Act, 1954 (Act No. XVI of 1954).
11. The U.P. Bhoodan Yagna Act, 1952 (U.P. Act No. X of 1953).
12. The Vindhya Pradesh Bhoodan Yagna Act, 1955 (I of 1956).

[No. 1-GT/F. No. 3/5/58-GT.]

D. SUBRAMANIAN, Dy. Secy.

(Department of Revenue)

CORIGENDUM

New Delhi, the 14th February 1959

G.S.R. 191.—In the notifications of the Government of India in the Ministry of Finance (Department of Revenue) Nos. G.S.R. 382 and 383 dated the 17th May, 1958 published at pages 256-257 of Part II-Section 3 sub-section (i) of the Gazette of India, dated the 17th May, 1958, for "Zola Cordiation" insert "Zola Cordiation".

[No. 4.]

M. C. DAS, Dy. Secy.

RESERVE BANK OF INDIA

(Exchange Control Department)

(Central Office)

Bombay, the 2nd January 1959

G.S.R. 192.—In pursuance of rule 3 of the Foreign Exchange Regulation Rules, 1952, the Reserve Bank hereby makes the following amendment in its notification No. F.E.R.A. 112/52-R.B. dated the 16th May, 1952, namely:—

In the said notification—

1. In item 7, under the column headed "Purpose" (column 2), the words "in cases where payments are to be received through authorised dealers" shall be added at the end;
2. After item 7, the following item shall be inserted, namely:—
3. Form V.P./C.O.D.—To be used for declaring exports by post parcel to all countries other than those specified in the Schedule annexed to the notification of the Government of India in the late Finance Department No. 12(18), FI/47 dated the 4th August, 1947, in cases where payments are to be received otherwise than through authorised dealers."

[No. F.E.R.A.169/59-R.B.]

H. V. R. IENGAR, Governor.

CENTRAL BOARD OF REVENUE

CENTRAL EXCISES

New Delhi, the 14th February 1959

G.S.R. 193.—In pursuance of sub-rule (1) of rule 175 of the Central Excise Rules, 1944, as in force in India and as applied to the State of Pondicherry, the Central Board of Revenue hereby makes the following further amendment in its notification No. C.E.R. 175(1)/56, Central Excises, dated the 1st September, 1956 as subsequently amended by its notification No. 175(2)/56-Central Excises, dated the 12th January 1957, namely:—

In the schedule annexed to the said notification, under the heading 'I Unmanufactured Products', for the words "An Inspector" in columns 2 and 3 against clause (b) of item 1, the words "A Sub-Inspector" shall be substituted.

[No. 14/59.]

L. S. MARTHANDAM, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

PORTS

PORTS

New Delhi, the 7th January 1959

G.S.R. 194.—In exercise of the powers conferred by sub-section (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908), the Central Government hereby makes the following further amendments in the Bombay Port Rules, 1925 published with the notification of the Government of Bombay in the late Marine Department, No. 441/42 M dated the 19th January, 1925, the same having been previously published as required by sub-section (2) of the said section, namely:—

In the said rules—

1. In the Code of Signals below Rule 46—

(a) the following items and the entries relating thereto shall be omitted, namely:

(3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (17), (19), (24), (25) and (26);

(b) Items (30), (31), (32) and (33) shall be omitted.

2. For the provisions referred to in column (1) of the Schedule below, the provisions set out in the corresponding entries in column (2) of the said Schedule shall be substituted, namely:—

SCHEDULE

Existing Provisions

Provisions as now to be substituted

(1)

(2)

Under the heading 'Prince's and Victoria Docks', paragraph beginning—

(i) On the South. *On the South.*—By a line drawn from the steps about 600 feet south of Victoria Dock entrance to the North Channel Beacon, thence on a line with the North Channel Beacon in transit with the Prince's Dock Island Tower.

(ii) On the West. *On the West.*—From the steps about 600 feet south of Victoria Dock entrance to the north transit line or about 450 feet north of Prince's Dock Island Tower.

(1)

(2)

Under the heading 'Vessels entering or leaving or being moored in Port' Rule 3B.

All vessels shall keep clear of vessels about to enter or leaving the I.N. Docks whilst they are to the westward of Middle Ground Island and are exhibiting a Block Ball at the Yard arm.

Under the heading 'Regulation of the use of mooring Buoys etc.' Rule 27.

No vessels belonging to private owners shall moor at a buoy or take up any of the anchorages west of Middle Ground without the permission of the Flag Officer, Indian Navy, Bombay.

Under the heading 'Regulation of Cargo Passenger and boats etc.' (i) Rule 30. (ii) Rule 33.

Boats whilst under way or at anchor shall observe the International Regulations for Preventing Collisions at Sea. Tugs, launches and all vessels, however propelled, shall carry and show the regulation lights and shapes, and make the regulation sound signals as prescribed in the International Regulations for Preventing Collisions at Sea.

Under the heading 'Regulation of the use of fires and lights', Rule 38.

Unprotected lights shall not be allowed in the hold between deck or other cargo compartment of vessels in port loading or discharging cotton or raw jute. Cooking by open fires in open boats loaded with cotton or raw jute is prohibited.

Under the heading "Enforcement and Regulation of the use of Signals".

- (i) Rule 41 All vessels of whatever rig or denomination when under way or at anchor in port shall exhibit the lights as prescribed in International Regulations for the Prevention of Collisions at sea.
- (ii) Rule 43 Dredgers at work laying out chains or not under control, and hopper barges similarly employed in attendance on such dredgers and not under control, shall carry the regulations signals.

Under the same heading, in the Code of Signals in Rule 46, items.

<i>Flags</i>	<i>Meaning</i>
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- (15) Black Ball A vessel is about to enter I.N. DOCKS.
- (16) Two Black Balls in a vertical line A vessel is leaving I. N. DOCKS.

Quarantine

- (20) *By Day* Flag Q meaning : : . "My Ship is healthy and [I request free pratique]."
- Flag QQ " " "My ship is suspected".
- Flag QL " " "My ship is infected".
- Flag QQ " " "Monkeys on board".
- Flag QQ/QL and QUZ " " "Infected or suspected ships permitted to come alongside".
- Flag PUV " " "Pilgrim vessel".

(21) By Night

- A red light over a white light, the lights being not more than six feet apart. I have not received free pratique.

(1)

(2)

*Dangerous Petroleum**By day**By night*

(23) A red flag not less than 3 feet square with a white circular centre six inches in diameter and the International Code Signal R.K.O. to remain flying until the vessel receives a Gas-free certificate. A red light at the fore to remain hoisted until the vessel is certified Gas-free.

Non-dangerous Petroleum

A red flag not less than 3 feet square and the International Code Signal R.K.O. to remain flying until the vessel receives a Gas-free certificate. A red light at the fore to remain hoisted until the vessel is certified Gas-free.

Exemption or Special Coasting Pilots' Signals

(27) 1st substitute over X flag of the International Code to be hoisted on approaching the Pilot station and while under way. Two lights red over white to be hoisted at the Pilot station and while under way.

(28) *Vessels for Dock*
Pilot's flag over draft of water

White light over a red light 6 feet apart in such position that they cannot be mistaken for Rule of the Road Lights.

Bombay Docks Signals

(34) *Signals to the Docks by vessels entering dock. By day.*—Vessels going direct into dock on arrival should, in addition to hoisting the vessel's name hoist as soon as possible a signal denoting the vessel's draft of water at the foremast; this signal to remain hoisted until the Pilot receives an order by signal or other means that the vessel will not dock that tide. Hauling the signal down is an intimation to the Dock Master that the vessel will not dock that tide. The draft is to be expressed by hoisting the Pilot's flag over the numeral pennants of the International Code corresponding to the numbers representing the vessel's draft e.g.,

Pilot's flag over numeral pennant Nos. 1, 2 = 12' draft.

Pilot's flag over numeral pennant Nos. 1, 2, 6 = 12' 6" draft.

(35) Pilots of vessels bound to the Docks should, when the "Come On" signal is given from the Docks, acknowledge this signal by hoisting the answering pennant close up and sounding three short and one long (V) blasts on the vessels whistle.

Signals from the Docks to vessels entering Dock

(40) A Pilot's distinguishing signal hoisted half way upto the yard-arm indicates that the vessel on which the Pilot may be is to make ready to enter the Dock Channel.

(41) A pilot signal hoisted close up to the yard-arm, indicates that the vessel on which the Pilot may be is immediately to enter the Dock Channel and proceed towards the dock, when the channel is clear of outward bound vessels, if any.

At Princes Dock and Victoria Dock

(48) The "Come On" signal for a vessel to enter dock at night will be mersed to the vessel concerned from the dock. At Prince's and Victoria Docks the "Come On" signal will be sent from either the Dock Master's chowki at Victoria Dock entrance or the flagstaff on the Island Tower. The position from which this signal is sent will not indicate the dock to which the vessel is to proceed. The Pilot will already have this information on the Pilot order.

At Alexandra Dock

(50) At Alexandra Dock the "Come On" signal will be sent from the Port Signal Station, at Ballard Pior.

Bombay Storm Warning Signals

(55) The following Storm Warning Signals will be displayed by day and night at the undermentioned places viz.:—

- (1) The Port Signal Station.
- (2) The big flagstaff situated between Prince's and Victoria Dock.
- (3) The flagstaff at the Port Trust Workshops at Mazagon.
- (4) The flagstaff at Chowpatty.
- (5) Worli Fort.

In Rule 51 relating to the control of vessel in the Port of Bombay carrying petroleum and to the transport, discharge or loading of petroleum in the Port:

- (i) Clause (e) of Rule 8.—What quantity of pctroleum [specifying whether any and, if so, what part of it belongs to each of the classes (b), (c), (d)] it is intended to land at this Port or at any other Port in India.
- (ii) Rule 28.—Petroleum may be transhipped from one vessel to another for conveyance to any other Port, whether within or beyond the limits of India provided that the petroleum shall not be transhipped between sunset and sunrise, except when electric light is exclusively used, and provided further that the precautions laid down in Part IV of these Rules shall be observed, and that dangerous petroleum, whether in bulk or otherwise, shall not be transhipped under any circumstances between the hours of sunset and sunrise.

[No. 8-PI(122)/55-PG.]

Miss I. INDIRA, Under Secy.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 13th January 1959

G.S.R. 195.—In exercise of the powers conferred by Section 47 of the Indian Railways Act, 1890 (9 of 1890) read with the notification of the Government of India in the late Department of Commerce and Industry, No. 801, dated the 24th March, 1905, the Railway Board hereby make the following further amendments to the General Rules for all open lines of Railways in India, administered by the Government of India, published with the notification of the Government of India in the Railway Department (Railway Board) No. 1078-T dated 9th March, 1929.

2. This notification shall supersede the undermentioned notifications of the Railway Board:—

- (i) No. 1313-TT dated 10th April, 1940 for the South Indian Railway including portions of the Assam-Bengal Railway.
- (ii) No. 1313-TT dated 5th February, 1942 for Assam-Bengal Railway portion of the Bengal-Assam Railway.
- (iii) No. 406-TG/Misc dated 19th June, 1953, for the Western Railway.
- (iv) No. 406-TG/Misc dated 3rd August, 1954, for the Central Railway.
- (v) No. 406-TG/Misc dated 17th January, 1957 for the Northern and Western Railways.

Amendments

In the said rules—

1. In Clause (38) of rule 1, after the words "Class B station" the following shall be inserted, namely:—

"Provided with two-aspect signals."

2. After Clause (38) of rule 1, the following clause shall be inserted, namely:—

“(38A)—“Station section” at a Class B Station provided with manually operated multiple-aspect signals, means that section of station limits which is included:—

- (a) On a double line, between the Outermost facing points and the last Stop signal of the station in either direction, or
- (b) On a single line:—
 - (i) between the Shunting Boards or Advanced starters (if any), or
 - (ii) between the Outermost facing points, if there are no Shunting Boards or Advanced Starters.”

3. In rule 6, for the words “Warner Signals” wherever they occur the following shall be substituted, namely:—

“Warner/Distant Signals.”

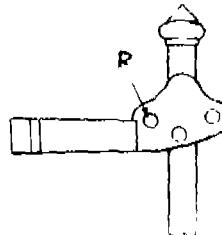
4. In rule 7, in the heading, after the word ‘indications’, the following shall be inserted, namely:—

“—two-aspect lower quadrant signals.”

5. After rule 7, the following rule shall be inserted, namely:—

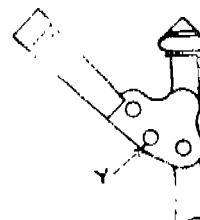
“7A—Description of Stop Signals and their indications—Manually operated Semaphore Multiple-aspect signals.—(a) When a semaphore signal is used as a Stop Signal, the arm shall be square-ended and the signal shall be arranged to give three indications, namely—“Stop”, “Caution” and “Proceed”, either by the position of an Arm or by the showing of light.”

(b) The horizontal position of the arm or, at night the showing of a red light, thus—



constitutes the “ON” position and signifies “Stop Dead”.

(c) The inclined position of the arm to an angle of 45° raised above the horizontal or, at night, the showing of yellow light, thus—



constitutes the “on” (“Caution”) position and signifies “proceed preparing to stop at the next Stop signal.”

(d) The inclined position of the arm raised to an angle of 90° above the horizontal or, at night, the showing of a green light, thus—



constitutes the "off" ("Proceed") position and signifies "Proceed at the maximum speed permitted."

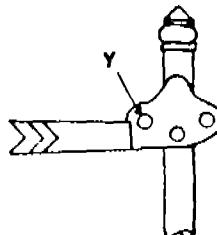
Note:—The indications of the colour light stop signals shall be the same as the light indications of the semaphore signals described above."

6. After rule 8, the following rule shall be inserted, namely:—

"8A—Description of Distant Signals and their indications.—A manually operated multiple-aspect semaphore Distant signal shall be identified by a fish-tailed arm. It must give the following indications:—

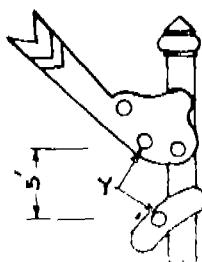
- (i) Caution.
- (ii) Attention, and
- (iii) Proceed.

(a) The horizontal position of the arm, and, at night, the showing of a yellow light at the root of the arm, thus—



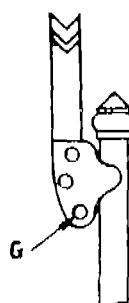
constitutes the "Caution" position and signifies "Proceed preparing to stop at the next stop signal."

(b) The inclined position of the arm raised to an angle of 45° above the horizontal and, at night, the showing of two lights, one at the root of the arm and yellow and the other 5 ft. below it and also yellow, thus—



constitutes the "Attention" position and signifies "Proceed preparing to pass the next stop signal at restricted speed."

(c) The inclined position of the arm raised to an angle of 90° above the horizontal and, at night, the showing of a green light at the root of the arm, thus—



constitutes the "Proceed" position and signifies "proceed at the maximum speed permitted."

NOTE:—The indications of the colour-light Distant Signals shall be the same as the night indications of the semaphore Distant Signals."

7. After rule 9, the following rule shall be inserted, namely:—

"9A—*Placing of Distant Signals.*—A distant signal shall be placed at an adequate distance in rear of the first Stop signal of a Block station. The adequate distance may be increased, where necessary on account of local conditions, for example, gradients, visibility and the like."

8. In the heading to rule 10, the following shall be inserted after the word "lights", namely:—

"—two-aspect lower quadrant signals."

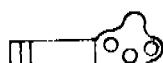
9. After rule 10, the following rule shall be inserted, namely:—

"10A—*Significance of various combinations of arms and lights—Manually operated Multiple-aspect semaphore or colour-light signals.*

Reference	Indication		Indication Colour-light	Meaning
	Semaphore			
	Day	Night	DAY & NIGHT	
			R — Red. Y — Yellow. G — Green.	

(a) *Stop Signals*

Stop

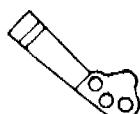


R ○

○ R

Stop dead

Caution



Y ○

○ Y

Proceed preparing to stop at the next Stop signal.

Clear



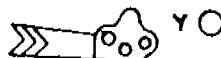
G ○

○ G

Proceed at the maximum speed permitted.

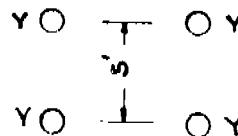
(b) *Distant Signals.*

Caution



○ Y Proceed preparing to stop at the next Stop signal.

Attention



Proceed preparing to pass next signal at restricted speed.

Clear



○ G Proceed at the maximum speed permitted.

10. In rule 14—

(i) in sub-rule (a), after the words "or Disc signals", the following shall be inserted, namely:—

"or position light or colour light signals";

(ii) in sub-rule (b), after the words "signals" in the first line, the following shall be inserted, namely:—

"—lower quadrant";

(iii) in sub-rule (c), after the words "Disc signals" the following shall be inserted, namely:—

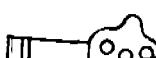
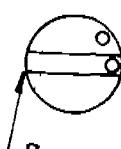
"—lower quadrant";

(iv) sub-rule (d) shall be relettered as sub-rule (f) and before the sub-rule as so relettered, the following sub-rules shall be inserted, namely:—

"(d)—In the case of Shunting signals, Upper Quadrant of the miniature semaphore or revolving disc type, the day and night indications shall be as under:—

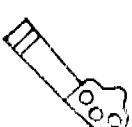
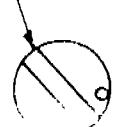
Indications	Semaphore or Disc.	Meaning
Day		Night
R — Red Band on White Back Ground	R — Red	
Disc.	Y — Yellow	
	Miniature Semaphore	

Stop



○ R Stop

Slow

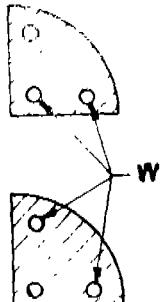


○ Y Proceed at slow speed not exceeding 10 m.p.h. but be prepared to stop short of any obstruction.

(e)—In the case of position light signals, the day and night indications shall be as under:—

W—White light.

Stop



Stop

Slow

Proceed at slow speed not exceeding 10 p.m.h. but be prepared to stop short of any obstruction.

NOTE:—1. The day and night indications of colour light shunt signals shall be the same as the night indications of the Miniature Semaphore or revolving Disc shunting signals.

2. The shunt signals may either be placed on a separate post or be fixed on the same post as and below the arm of Starters, Home and Routing signals."

11. After rule 29, the following rule shall be inserted, namely:—

"29A—*Minimum equipment of fixed signals at stations provided with manually operated Multiple Aspect Signals.*—The minimum equipment of fixed signals to be provided for each direction at a station where manually operated multiple signalling is installed, shall be:—

- a Distant Signal.
- a Home Signal, and
- a Starter Signal."

12. After rule 30, the following rule shall be inserted, namely:—

"30A—*Additional fixed signals at Class B stations equipped with manually operated multiple-aspect signals.*—Besides the minimum equipment prescribed in rule 29A, additional fixed signals shall be provided at Class 'B' stations, namely:—

On a single line worked on the Absolute Block System—if the obstructing of the line outside the outermost facing points in the direction of an approaching train is permitted under rule 255A, a Shunting Board (similar to that described in G. R. 30(c) above) or an Advanced Starter shall be fixed at such a shunting distance from the Outermost facing points as local conditions may require, provided that there is not less than 600 ft. between the board or Advanced Starter and the opposing first Stop signal. The location of such a Board or Advanced Starter shall mark the limit up to which obstruction may be permitted."

13. After rule 31, the following rule shall be inserted, namely:—

"31A—*Exception to Rule 29A and 30A.*—Notwithstanding anything contained in rules 29A and 30A, on sections provided with manually operated multiple-aspect signals, where the speed of trains through a station does not exceed 30 m.p.h. a Distant and a Home signal only may be provided in each direction under approved special instructions."

14. In rule 32, for the words and figures "Rules 29 and 30" the following shall be substituted, namely:—

"Rules 29, 29A, 30 and 30A".

15. For rule 38(b), the following rule shall be substituted, namely:—

"(b) The adequate distance referred to in sub-rule (a), shall never be less than 600 ft. in the case of stations equipped with two-aspect lower quadrant signals or 400 ft. in the case of stations equipped with manually operated multiple-aspect signals, without the sanction of the Government Inspector. A sand **hump** of approved

design or, subject to sanction of the Government Inspector a derailing switch shall be deemed to be an efficient substitute for the adequate distance referred to."

16. For rule 58, the following rule shall be substituted, namely:—

"58—*Defective Warner or Distant signals.*—(a) If a Warner or a Distant signal is out of order, it shall be kept in the "on" position.

(b) If a Warner signal on a post by itself or a Distant signal is out of order and cannot be kept in the "on" position, a red hand signal shall be shown at the foot of the signal post, and by night if there is a fixed green light above the Warner on a post by itself, it shall be extinguished, and trains, after having first been brought to a stand, may then be hand signalled past."

17. In rule 237, after sub-rule (3), the following shall be inserted, namely:—

"However, at stations equipped with manually operated multiple-aspect signals, the distance referred to in clauses (b) and (c) of sub-rule (1) shall not be less than 600 ft., unless otherwise directed by approved special instructions."

18. After rule 248, the following rule shall be inserted, namely:—

"248A—*Conditions under which permission to approach may be given at a station provided with multiple-aspect signals.*—The line shall not be considered clear, and permission to approach shall not be given unless:—

- (a) the whole of the last preceding train has passed the outermost facing point at the end nearest the approaching train,
- (b) all signals have been put back to "on" behind the said train, and
- (c) the line is clear upto the outermost facing points."

19. After rule 249, the following rule shall be inserted, namely:—

"249A—*Obstruction at a station equipped with manually operated multiple-aspect signals when the train is approaching.*—When permission to approach has been given, there shall be no obstruction of the line outside the outermost facing points but shunting between the Outermost facing points and the last Stop signal of the station may go on continuously provided the necessary signals are kept at 'on'."

20. After rule 250, the following rule shall be inserted, namely:—

"250A. *Obstruction outside the outermost facing points at a station equipped with manually operated multiple-aspect signals when block section is clear.*—If, when the block section is clear, it becomes necessary to obstruct the line outside the outermost facing points, the line shall be blocked back."

21. After rule 253, the following note shall be inserted, namely:—

Note:—Rules 251—253 will also apply to stations equipped with manually operated multiple-aspect signals."

22. After rule 254, the following rule shall be inserted, namely:—

"254—*A. Conditions under which permission to approach may be given at a station provided with manually operated multiple aspect signals.*—The line shall not be considered clear, and permission to approach shall be given, unless:—

- (a) the whole of the last preceding train has passed within the home signal,
- (b) all signals have been put back to 'on' behind the said train, and
- (c) the line is clear:—
 - (i) to the Shunting Board or Advanced Starter (if any) at the end of the station nearest the expected train, or
 - (ii) to the Outermost facing points, if there is no Shunting Board or Advanced Starter.

23. After rule 255, the following rule shall be inserted, namely:—

“255—*A. Obstruction in the face of an approaching train at stations provided with manually operated multiple-aspect signals.*—The line outside the Outermost facing points in the direction of a train for which permission to approach has been given, shall only be obstructed when a Shunting Board or an Advanced Starter is provided and under special instructions which take into consideration the speed, weight and brake power of trains, the gradients, the position of the first Stop signal and the distance at which that signal can be seen by the Driver of an approaching train.”

24. After rule 256, the following rule shall be inserted, namely:—

“256A—*Obstruction within station section at a station equipped with manually operated multiple-aspect signals.*—If the necessary signals are kept ‘on’, shunting may be carried on either:—

(a) between Shunting Boards or Advanced Starters subject to the provisions of Rule 255A, or

(b) between the Outermost facing points, if there are no Shunting Boards or Advanced Starters;

Provided that when signals have been taken ‘off’ for an incoming train on to a line which is not isolated in accordance with Rule 90(c), no shunting movement shall be carried on towards points over which the incoming train will pass.”

25. After rule 257, the following rule shall be inserted, namely:—

“257A—*Obstruction outside station section at a station equipped with manually operated multiple-aspect signals.*

The line between the station section and the first Stop Signal shall not be obstructed unless a Railway servant specially appointed in this behalf by the Station Master is in charge of the operations, and unless the block section into which the shunting is to take place is clear of an approaching train.”

26. After rule 258, the following rule shall be inserted, namely:—

“258A—*Obstruction outside the first Stop signal at stations equipped with manually operated multiple-aspect signals.*

The line outside the first Stop signal shall not be obstructed unless the line has been blocked back.”

27. In the note below rule 275, for the words and figures “Rule 10, Chapter II” the following shall be substituted, namely:—

“Rule 10 and Rule 10A, Chapter II”.

[No. 58-TII/V/29/37.]

R. E. de Sa, Secy.

MINISTRY OF HEALTH

New Delhi, the 6th February 1959

G.S.R. 196.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment of persons to class III posts of Technical Assistant (Goltre) and Field Assistants (Goltre) in the Goltre Control Scheme, namely:—

1. These rules may be called the Goltre Control Scheme (Technical Assistant and Field Assistant) Recruitment Rules 1959.
2. These rules will apply to the posts of Technical Assistant (Goltre) and Field Assistants (Goltre) specified in column 1 of the Schedule to these rules and the classification of the posts, the scales of pay and the duties attached thereto and the number of posts shall be as specified in columns 2 to 5 of the said Schedule.
3. The method of recruitment to the posts aforesaid, the qualifications and the age limits of the candidates therefor and other matters relating to these posts shall be as indicated in columns 6 to 15 of the Schedule aforesaid.

Percentage of posts

Name of post	Its classification whether gazetted or non-gazetted & whether Ministerial or non-ministerial	Scale of pay	Duties	No. of posts	Promotion		
					Direct recruitment	By Selection	Seniority cum-fitness
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Technical Assistant (Goitre)	G.C.S. Class III Non-Ministerial Non-Gazetted.	160—10—330.	To collect samples of salt, water etc., from the areas; arrange for their analysis and be responsible for collection, analysis and maintenance of Survey records and to carry out such other duties as may be assigned to him.	1*	100%	..	..
Field Assistants (Goitre)	Do.	60—4—120—5—150.	To help the Medical Officers in conducting the surveys. To assist Technical Assistant to collect the samples of water, Salt and to despatch to the Laboratories. Maintain the records of the survey in the field. Fill up the survey cards.	4*	100%	..	..

*Note.—The number of posts shown in Col. 5 is liable to change from time to time.

DULE

For Direct Recruitment			For Promotion/Transfer only			
Transfer	Age limit	Educational & other qualifications required	Period of probation, if any	Whether age & educational qualifications prescribed for direct recruitment will apply in case of appointment by promotion/transfer	Grades from which promotion transfers are to be made	Composition of D.P.C.
(9)	(10)	(11)	(12)	(13)	(14)	(15)
..	Minimum age 18. Maximum age 25 years. Maximum age limit relaxable in the case of persons belonging to Scheduled castes/Tribes, displaced persons and other special categories of persons in accordance with the orders issued by the Govt. of India from time to time.	Science Graduate with Chemistry.	1 year	..	..	..
..	Minimum age 18 Yrs. Maximum age 25 years. Maximum age limit relaxable in the case of persons belonging to Scheduled Caste/Tribes displaced persons and other special categories of persons in accordance with the orders issued by the Government of India from time to time.	Matric & experience in First Aid Training Certificate either from St. John Ambulance or Red Cross or any other approved Institution.	1 year	..	..	..

[No. F. 28-6/58-M.II.]

KRISHNA BIHARI, Dy. Secy.

MINISTRY OF WORKS, HOUSING & SUPPLY

New Delhi, the 4th February 1959

G.S.R. 197.—In exercise of the powers conferred by section 4 and sub-section (1) of section 29 of the Petroleum Act, 1934 (30 of 1934), as applied to Carbide of Calcium by the notification of the Government of India in the late Department of Industries and Labour No. M. 826(1) dated the 15th October, 1936, the Central Government hereby makes the following amendment to the Carbide of Calcium (Handling) Rules, 1957, published with notification of the Government of India in the Ministry of Works, Housing and Supply No. S.R.O. 2518 dated the 29th July, 1957, the same having been previously published as required by sub-section (2) of section 29 of the said Act, namely:—

In the said Rules,—

- (1) the existing rule 7 shall be renumbered as sub-rule (1) of that rule; and
- (2) after sub-rule (1) of rule 7 as so renumbered, the following sub-rule shall be inserted, namely:—

“(2) Whenever in the opinion of the Traffic Manager it is necessary to dispose of the affected package by submerging in water, it shall be done only under the direction of the Port Conservator”.

[No. S&PII-Pet. 1(2)/58.]

J. G. KUMARAMANGALAM, Dy. Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 4th February 1959

G.S.R. 198.—In exercise of the powers conferred by the proviso to article 11 of the Constitution, the President hereby makes the following amendment to the Mines Department class III and class IV Recruitment Rules, 1958, namely:—

In column 8 against item 7 relating to 'Upper Division Clerk' of the Schedule annexed to the said Rules, for the existing entry, the following shall be substituted, namely:—

"Will not apply in the case of permanent and quasi-permanent employees."

[No. M-I 9(1)59.]

P. N. SHARMA, Under Secy.